

72
21. (Once Amended) Storage device according to claim 19 wherein said base film is made of material selected from group consisting of polyamide and polyethylene, and wherein said covering film consists of sterilization paper.--

REMARKS

In the Office Action dated May 9, 2001, Claims 20-21 were rejected under 35 U.S.C. 112 second paragraph, as being indefinite, for failing to include the word "consisting" after the word "group". Claims 16 and 19 were rejected as being anticipated by U.S. Patent No. 3,409,721 (Applezweig), and by U.S. Patent No. 5,695,063 (Roulin et al.). Claim 18 was further rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,954,204 (Grabowski). Claims 17 and 19 were held to be obvious from Applezweig, in view of Roulin et al. and Troll et al. or U.S. Patent No. 4,305,502 (Gregory et al.) The latter three references were also used to support a rejection under 35 U.S.C. 103(a) of Claims 17 and 19. Claims 20-21 were rejected as being obvious for the reasons for which claim 18 was rejected, and with Official Notice, both with respect to Applezweig and Roulin et al.

Claim 18 was amended to recite that finger pressure opens the chambers defined in the claim, and replace the words "consisting of" with "comprising" to distinguish this claim from Grabowski as discussed below. Claims 20 and 21 were amended as instructed by the Examiner to overcome the 35 U.S.C. 112, second paragraph rejection of these claims.

Prior to the discussion of each cited reference in relation to the present application, the Applicant wishes to explain that each package described in the cited references is intended for use with pills, tablets or capsules only. In contrast, the present invention is a package for medicinal swabs which are soft compared to pills or tablets. All cited references, apart from Applezweig, disclose conventional type blister packages. Such blister packages for

tablets or capsules are designed so that the tablet or capsule is released from the blister by pressing on the receptacle portion. The tablet or capsule transmits the force to the cover sheet which is a rupturable substrate. Then the cover sheet ruptures and the tablet/capsule is released. Such a mechanism can be employed only if the contents of the blister pack is a solid object such as tablets/capsules. Definitely, a medicinal swab is not a solid object and it is not feasible to push medicinal swabs through a cover layer.

Turning now to Claims 16 and 18, these claims define a storage for medicinal swabs having flexible base layers and cover layers (Claim 16) or base films and covering films (Claim 18), and chambers for the swabs where the layers are integrally connected between the chambers in response to pressure on the covering film or layer. The contents of the chamber does not transmit the rupturing force. The present application does not define an invention which is anticipated by or obvious from any one of the cited references or obvious from a combination thereof. It is believed that the subject matter of claims 16 and 18 is novel and inventive.

In the Office action date May 9, 2001, Claims 16 and 18 of the present application were rejected as being anticipated by U.S. Patent No. 3,409,721 (Applezweig). Applezweig discloses a method of providing an ovarian or menstrual cycle oral dosage regimen effective in the control of ovulation. Furthermore, an improved system for dispensing medications in form of pills, capsules, suppositories or tablets in predetermined unalterable sequence is described. Although it not explicitly stated how to open each envelope of the package according to US 3,409,721, it could be inferred from Fig. 1 of the enclosed auxiliary drawings attached as Exhibit A., that each envelope is provided with means for opening the envelope by pulling apart a portion of the envelope. It would be obvious to one skilled in the art that the envelope of

Applezweig cannot be opened by pressing a finger on one plane of the envelope and thus tearing in the film.

Furthermore, it is an essential feature of the package according to US 3,409,721 that each of the envelopes contains a single medication dosage in form of a single tablet, whereas the size of the chamber in the present invention is determined by the number and size of the swabs (claim 16). US 3,409,721 does not provide any idea about packing multiple objects into one chamber/envelope.

U.S. 3,409,721 neither suggests a package for medicinal swabs nor the inventive concept of opening such a package by tearing in the cover sheet. Therefore, it is respectfully submitted that the present invention is not anticipated by U.S. Patent No. 3,409,721.

Claims 16 and 18 of the present application were also rejected as being anticipated by U.S. Patent No. 5,695,063 (Roulin et al.). US 5,695,063 describes a blister pack with a removable lid over recesses to close off at least one recess which is ruptured or empty (col. 2, line 15-20). Thus, this reference solves a rather different problem from that which the present invention solves. In Roulin et al., a conventional blister package for tablets or pills which comprises a lid foil for the push through pack (col. 3, line 6-8). It is obvious that the tablet is pushed through the lid foil 13 by finger pressure on the base 14 which corresponds to the base sheet of the inventive package (for reference, see auxiliary drawings of Exhibit A, Fig. 2). As already stated above, such a blister package would not be feasible for packing soft medicinal swabs.

Conventional blister packages such as those described by US 5,695,063 usually comprise a plurality of compartments, but none of these compartments could be opened by finger

pressure on the lid foil (which corresponds to the cover sheet). US 5,695,063 does not provide any information which discloses or suggests the present invention.

Claim 18 has also been rejected as being anticipated by U.S. Patent 5,954,204 (Grabowski). Grabowski describes a blister package which is formed of a rupturable substrate (which corresponds to the cover sheet 2 of the present invention), a blister layer (which corresponds to the base sheet of the present invention) and a medicament (Col. 1 lines 51-63). The blister layer comprises depressions which puncture the rupturable substrate from the inside to the outside upon deforming the blister layer by finger pressure on the blister layer. Thus, finger pressure is directly exerted on the blister layer rather than on the rupturable substrate.

The above suggested amendment makes it clear that finger pressure is exerted on the cover sheet in the case of the present invention which ruptures inwardly. This is an entirely different concept of opening the chamber and is not indicated by US 5,954,204 in any way.

Claims 17 and 19 were rejected as being obvious from Applezweig in view of Roulin et al, and Troll et al, or Gregory et al.. These claims were further rejected as being obvious from Roulin et al. in view of Troll et al. or Gregory et al.. Claims 17 depends from Claim 16, and Claim 19 is dependent from Claims 18, and therefore Claims 17 and 19 include all of the limitations of their parent claims. It is respectfully submitted that Claims 16 and 18 of the present application should be allowed along with the allowance of parent Claims 16 and 18.

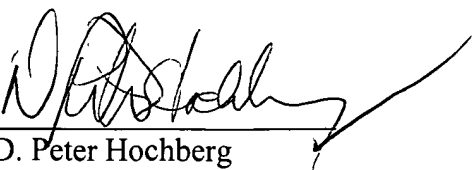
Both Troll et al. and Gregory et al. describe certain embodiments of conventional type blister packages for tablets or capsules. They both describe push-through packages, and the foregoing remarks apply to these references as well. Thus, nothing could be seen in the aforementioned combination of cited references which would have made the subject matter of the present of the present invention obvious to those skilled in the art.

In summary, the present invention discloses a flexible package for medicinal swabs whereas all cited references teach various packages for solid forms of medication, i.e. tablets, capsules or pills. The fact that a medicinal swab is not a solid object requires an entirely different concept of opening the inventive package and the invention thus comprises an envelope made of a flexible base sheet and a flexible cover sheet. This entirely different concept was realized by a cover sheet which will rupture inwardly upon finger pressure. See Fig. 3 of Exhibit A. Such a concept has not previously been disclosed and none of the cited references provides any hint towards a package for soft objects such as medicinal swabs or even indicates to open the disclosed packages by finger pressure on the cover sheet which will then be ruptured inwardly. Thus, the examiner is requested to appreciate novelty and inventiveness of the present invention. It is requested that the claims be allowed.

The examiner is invited to telephone the undersigned if there are issues to be discussed which would expedite the prosecution of the above-identified application.

Respectfully submitted,

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Enc. - Exhibit 1

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CERTIFICATE OF MAILING

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Date: 8/8/01


Kim Henry



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor : A. Fellingner
Serial No. : 09/308,408
Filing Date : June 28, 1999
Examiner : S. Luong
Group Art Unit : 3728
Title : Storage Device for Medical Swabs

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Assistant Commissioner for Patents
Washington D.C., 20231

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"MARKED UP CLAIMS"

18. (Three Times Amended) Storage device for medical swabs [consisting of]
comprising an envelope, said envelope having a flexible base film and flexible covering film
wherein said envelope has adjacent chambers wherein said chambers comprise two flexible
layers which are integrally bonded with each other in the areas between the chambers, the
chambers opening in response to the exertion of finger pressure on the covering film.

20. (Once Amended) Storage device according to claim 18 wherein said base film is
made of material selected from group consisting of polyamide and polyethylene, and wherein
said covering film consists of sterilization paper.

21. (Once Amended) Storage device according to claim 19 wherein said base film is
made of material selected from group consisting of polyamide and polyethylene, and wherein
said covering film consists of sterilization paper.--